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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 NAJIB ALI ADEN,

10 Petitioner,

11 v.

12 KIRSTJEN NIELSEN, *et al.*,

13 Respondents.

NO. C18-1441RSL

ORDER SUPPLEMENTING THE
RECORD

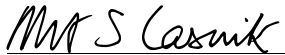
14 On June 20, 2019, the Court directed defendants to reopen the removal
15 proceedings against petitioner and hold a bond hearing. The Immigration Judge (“IJ”)
16 denied petitioner’s renewed request for bond, and petitioner has filed a motion seeking
17 review of that determination for legal error. Dkt. #17. Defendants seek to supplement
18 audio recording of the bond hearing with a memorandum of decision written by the IJ
19 after petitioner’s motion for review was fully briefed. Dkt. #26. Petitioner opposes the
20 request, arguing that the administrative record of the bond hearing is complete and
21 should not be supplemented with the IJ’s post-appeal justifications for the decision.
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23 The bond issue comes before the Court under its habeas jurisdiction and/or its
24 inherent powers. While the evidentiary value of a post-appeal memorandum may be

1 limited, whether the bond proceeding was constitutionally flawed or violated the
2 Court's prior order will be determined on the record as a whole. Because petitioner did
3 not have an opportunity to address the IJ's written analysis in his motion for review, the
4 Court will consider the arguments and criticisms raised in his opposition (Dkt. #27)
5 when deciding the underlying motion to enforce.
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7 For all of the foregoing reasons, defendants' motion to supplement the record
8 (Dkt. # 26) is GRANTED.
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10 Dated this 24th day of September, 2019.
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13 Robert S. Lasnik
14 United States District Judge
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